

ESTTA Tracking number: **ESTTA313266**

Filing date: **10/23/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Sobel Westex		
Entity	Corporation	Citizenship	Nevada
Address	2670 S. Western Avenue Las Vegas, NV 89109 UNITED STATES		
Attorney information	W. West Allen Lewis and Roca LLP 3993 Howard Hughes Parkway Ste. 600 Las Vegas, NV 89169 UNITED STATES TRADEMARKS-LASVEGAS@LRLAW.COM Phone:(702) 949-8200		

Registration Subject to Cancellation

Registration No	3327316	Registration date	10/30/2007
Registrant	Azura International, LLC 16000 N. 80th Street, Suite B Scottsdale, AZ 85260 UNITED STATES		

Goods/Services Subject to Cancellation

Class 035. First Use: 2006/06/15 First Use In Commerce: 2006/06/15 All goods and services in the class are cancelled, namely: Retail stores featuring bath tubs, sinks and bath fixtures

Grounds for Cancellation

Abandonment	Trademark Act section 14
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Attachments	BELLAZURE.pdf (4 pages)(100679 bytes) BELLAZUREA.pdf (1 page)(20724 bytes) BELLAZUREB.pdf (3 pages)(106242 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/W. West Allen/
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Name	W. West Allen
Date	10/23/2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SOBEL WESTEX, INC.

Petitioner,

v.

AZURA INTERNATIONAL, LLC,

Respondent.

Cancellation No.

Registration No. 3,327,316

Mark: BELLAZURA

PETITION FOR CANCELLATION

Sobel Westex, Inc. ("Petitioner"), a Nevada corporation, doing business at 2670 S. Western Avenue, Las Vegas, Nevada, 89109, believes that it will be damaged by the continued registration of Registration No. 3,327,316 for the mark BELLAZURA on the Principal Register in International Class 35 (the "Registration"). Pursuant to 15 U.S.C. § 1092, Petitioner hereby petitions to cancel the registration of the mark BELLAZURA. As grounds for cancellation, Petitioner alleges the following:

1. Upon information and belief, Azura International, LLC. ("Respondent") is an Arizona limited liability company located at 16000 N. 80th Street, Suite B, Scottsdale, Arizona, 85260.
2. Respondent's Registration is for the following goods in International Class 35: "retail stores featuring bath tubs, sinks and bath fixtures." A copy of this registration is attached hereto as **Exhibit A**.
3. Petitioner is the owner of a pending intent-to-use trademark application for the

mark BELLAZURE, Serial Number 77/731,901, for the following goods in International Class 24: "towels and washcloths." A printout of the TARR record for this application is attached hereto as **Exhibit B**.

4. Respondent's Registration has been cited against Petitioner's application for BELLAZURE in International Class 24 in the United States Patent & Trademark Office.

5. Respondent limited liability company appears to have ceased all business operations and closed because (i) Respondent's business license in Scottsdale, Arizona is no longer active as of November, 2007, and in Phoenix, Arizona, as of November, 2008; (ii) the retail store services offered under the Registration cannot be located with an Internet search; (iii) the Respondent's corresponding website at www.bellazura.com is not operational; (iv) the corresponding website was last published in early 2008; and (v) there is no business telephone listing for Respondent in Arizona.

6. Upon information and belief, Respondent has ceased use of the BELLAZURA mark for the services cited in the Registration, and does not intend to resume use. Respondent's Registration has been abandoned and is therefore ripe for cancellation.

7. Petitioner is likely to be damaged by the continued registration of U.S. Reg. No. 3,327,316, since Petitioner is unable to obtain federal registration of its BELLAZURE mark in connection with towels and washcloths as long as Respondent's registration is active.

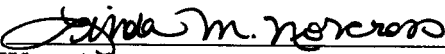
WHEREFORE, Petitioner, SOBEL WESTEX, INC., requests that Registration No. 3,327,316 be cancelled and that this Petition for Cancellation be sustained in favor of Petitioner.

Please process payment of the \$300 fee required by 37 C.F.R. § 2.6(a)(16) from deposit account No. 502847.

Dated this 23rd day of October, 2009.

Respectfully submitted,

LEWIS AND ROCA LLP

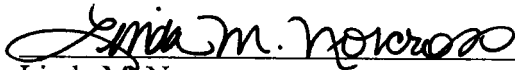
By: 
W. West Allen
Linda M. Norcross
Jonathan W. Fountain
3993 Howard Hughes Pkwy., Suite 600
Las Vegas, Nevada 89169
Tel: 702-949-8200
Fax: 702-949-8363

Attorneys for Petitioner

CERTIFICATE OF SERVICE

I, Linda M. Norcross, hereby certify that a true and accurate copy of the foregoing **PETITION FOR CANCELLATION** has been served by mailing said copy on October 23, 2009, via First Class Mail, postage prepaid to:

Azura International, LLC
16000 N. 80th Street
Scottsdale, AZ 85260



Linda M. Norcross,
an employee of Lewis and Roca LLP

Int. Cl.: 35

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,327,316

Registered Oct. 30, 2007

**SERVICE MARK
PRINCIPAL REGISTER**

BELLAZURA

AZURA INTERNATIONAL, LLC (ARIZONA LTD
LIAB CO)
16000 N. 80TH STREET, SUITE B
SCOTTSDALE, AZ 85260

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: RETAIL STORES FEATURING BATH TUBS,
SINKS AND BATH FIXTURES, IN CLASS 35 (U.S.
CLS. 100, 101 AND 102).

SN 78-813,690, FILED 2-13-2006.

FIRST USE 6-15-2006; IN COMMERCE 6-15-2006.

ELLEN PERKINS, EXAMINING ATTORNEY

Thank you for your request. Here are the latest results from the TARR web server.

This page was generated by the TARR system on 2009-10-22 12:41:06 ET

Serial Number: 77731901 Assignment Information Trademark Document Retrieval

Registration Number: (NOT AVAILABLE)

Mark

BELLAZURE

(words only): BELLAZURE

Standard Character claim: Yes

Current Status: A non-final action has been mailed. This is a letter from the examining attorney requesting additional information and/or making an initial refusal. However, no final determination as to the registrability of the mark has been made.

Date of Status: 2009-08-04

Filing Date: 2009-05-07

Transformed into a National Application: No

Registration Date: (DATE NOT AVAILABLE)

Register: Principal

Law Office Assigned: LAW OFFICE 103

Attorney Assigned:
KIM JANICE

Current Location: L3X -TMEG Law Office 103 - Examining Attorney Assigned

Date In Location: 2009-08-04

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Sobel Westex

Address:
Sobel Westex
2670 S. Western Avenue
Las Vegas, NV 89109

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Nevada

GOODS AND/OR SERVICES

International Class: 024

Class Status: Active

Towels and washcloths

Basis: 1(b)

First Use Date: (DATE NOT AVAILABLE)

First Use in Commerce Date: (DATE NOT AVAILABLE)

ADDITIONAL INFORMATION

(NOT AVAILABLE)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

NOTE: To view any document referenced below, click on the link to "Trademark Document Retrieval" shown near the top of this page.

2009-08-04 - Notification Of Non-Final Action E-Mailed

2009-08-04 - Non-final action e-mailed

2009-08-04 - Non-Final Action Written

2009-08-03 - Assigned To Examiner

2009-05-12 - Notice Of Pseudo Mark Mailed

2009-05-11 - New Application Office Supplied Data Entered In Tram

2009-05-11 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

Attorney of Record

W. West Allen

Correspondent

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